

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) Case No. 4:18-CR-00036-1-BCW
)
)
SHAWN BURKHALTER,)
)
Defendant.)

ORDER

Before the Court is Magistrate Judge Counts' Report and Recommendation (Doc. #1452) denying Defendant Burkhalter's (1) motion to suppress statements obtained during a custodial interview of him on October 2, 2015 (Doc. #1084); (2) motion to suppress statements obtained during an interview of him on February 17, 2016 (Doc. #1085); and (3) motion to suppress evidence seized from search of 2015 Nissan Armada (Doc. #1086).

On September 22, 2022, Judge Counts held an evidentiary hearing on the three suppression motions. During the hearing, the Government called Special Agent Bradley Chester of the U.S. Food and Drug Administration, Officer Zachary Weinzatl, Detective Michael Wells, and Detective Leland Blank of the Kansas City, Missouri Police Department, and JoslynLee as witnesses. Defendant did not call any witnesses to testify.

On June 26, 2023, Judge Counts issued the instant Report and Recommendation. (Doc. #1452). Defendant did not object to the Report and Recommendation and the time to do so has since passed.

After an independent review of the record, the applicable law, and the parties' arguments, the Court adopts Magistrate Judge Counts' findings of fact and conclusions of law. Accordingly, it is hereby

ORDERED for the reasons stated in the Report and Recommendation (Doc. #1452), Defendant Burkhalter's (1) motion to suppress statements obtained during a custodial interview of him on October 2, 2015 (Doc. #1084); (2) motion to suppress statements obtained during an interview of him on February 17, 2016 (Doc. #1085); and (3) motion to suppress evidence seized from search of 2015 Nissan Armada (Doc. #1086) are DENIED. It is further

ORDERED that Magistrate Judge Counts' Report and Recommendation (Doc. #1452) be attached to and made part of this Order.

IT IS SO ORDERED.

DATED: July 13, 2023

/s/ Brian C. Wimes
JUDGE BRIAN C. WIMES
UNITED STATES DISTRICT COURT